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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 December 1992, at 10 a.m.

Chairman: Mr. ALSTON

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Relations with United Nations organs and other treaty bodies

Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies

Relations with United Nations organs and other treaty bodies

Organization of work (continued)

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-18823 (E)

The meeting was called to order at 10.30 a.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 8)

1. The CHAIRMAN welcomed Mr. Sachar, a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who had prepared a comprehensive and useful working paper on the right to adequate housing (E/CN.4/Sub.2/1992/15).

2. Mr. SACHAR said that he had been greatly encouraged in his work by the General Comment No. 4 which the Committee had adopted in 1991. He had referred to that Comment in paragraph 7 of his paper and had noted that the Committee was of the view that the right to housing should not be interpreted in a narrow or restrictive sense. More important still, the Committee had gone on to stress that the right to adequate housing could be viewed in isolation from other human rights contained in the two International Covenants and other applicable international instruments. That point needed stressing because a debate seemed to be under way about which of the two Covenants was more important. He had always maintained that it was a futile controversy to try to choose between bread and freedom, which were two sides of the same coin. There was a danger that society would be torn apart if adequate housing was not provided for the millions of people who were homeless, and he was glad that the Committee was addressing the topic in greater depth and detail and with greater emphasis. He hoped it would become a key issue in the future, since he was worried about the tendency to make economic, social and cultural rights a matter of good intentions without giving Governments a mandate or instructions.

3. In India, the right to adequate housing had been developed in the famous Bombay City case, where hundreds of thousands of pavement dwellers had been removed to a place 20 or 30 km distant and provided with land. However, the permanent dwellers had gone to court, and the court had interpreted the right to life which was guaranteed under the Indian Constitution as the right to live with dignity, which was impossible without a house and a livelihood. The court had found that merely providing housing without regard to livelihood by taking the pavement dwellers away from their normal place of work was a denial of their rights. It was not enough to provide shelter; that shelter had to be connected with the right to earn a living and with other rights.

4. He expressed his appreciation of the Committee's work and hoped to have its guidance in the future.

5. The CHAIRMAN said that he looked forward to continuing contacts with Mr. Sachar and hoped the Committee would be able to exchange ideas with him. In particular he thanked Mr. Sachar for his reference to the Bombay City case in the light of continued scepticism about the possibilities of making economic, social and cultural rights justiciable. The experience in India had shown that where there was a will there was a way: what was generally missing was the will. In his view those who raised the issue of justiciability were more concerned to prevent economic rights from assuming the status they deserved than to make complex legal points.

FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES (agenda item 9) (E/C.12/1992/WP.15).

6. The CHAIRMAN noted that earlier in the session there had been a lack of clarity regarding follow-up actions and that as a result some of the exchanges with States parties had not been very rewarding. Mr. Simma had kindly prepared a note on the subject (E/C.12/1992/WP.15). Since the note was available only in English, he invited Mr. Simma to read it out so that it could be interpreted into the other working languages and then to introduce it.

7. Mr. SIMMA, after reading out his note explained that, of the four paragraphs, paragraphs 1 and 2 were introductory and paragraph 3 listed the options open to the Committee. Paragraph 4 was concerned with situations in which the Committee considered that it was unable to obtain information through the channels indicated in paragraph 3 and represented an attempt to codify the action already taken by the Committee in the case of the Dominican Republic and Panama. The note might appear to be too broad, but in view of the procedural problems with which the Committee had been confronted the situation needed clarification.

8. Mr. WIMER ZAMBRANO said that the procedure involved was of a delicate nature. He wondered what name should be given to the persons acting on behalf of the Committee.

9. The CHAIRMAN noted that the term used in Mr. Simma's note was "Committee representative(s)". To use "country rapporteur" would lead to confusion.

10. Mr. SIMMA said that "Committee representative(s)" was the designation which he had in mind. It was neutral enough to allow for various functions and was different from the nomenclature employed by the Commission on Human Rights. He therefore suggested that it should be used as the official term.

11. It was so agreed.

12. Mr. WIMER ZAMBRANO pointed out that the mission itself also needed to be given a name.

13. The CHAIRMAN observed that in paragraph 4 the term "on-site visit" was used. That seemed to be a good description.

14. Mr. SIMMA remarked that "on-site" sounded too much like a disarmament operation. The term "visit by representatives of the Committee" was unlikely to upset States parties' sensitivities.

15. Mr. MRATCHKOV said that the most important paragraph in the well-prepared note was paragraph 4. The two cases which the Committee had come across so far - the Dominican Republic and Panama - had been rather different. The mission sent pursuant to the decision taken at the Committee's sixth session and endorsed by the Economic and Social Council had been an advisory mission, whereas the text of paragraph 4 was more concerned with establishing direct contact for the purpose of obtaining further information on the situation

within the country concerned. Advising a Government through the provision of technical assistance by the Committee and the collection of information were not the same thing.

16. The CHAIRMAN suggested that an additional paragraph was needed. Paragraph 4 was essentially concerned with ascertaining the facts. The Committee representatives could first, on the basis of their observations, make recommendations to the Committee, which could then, if appropriate, offer advice to the Government in question. The decision taken by the Economic and Social Council in 1991 had omitted the first phase, which was rightly included in Mr. Simma's note.

17. Mr. SIMMA agreed that paragraph 4 of the note dealt with the situation in which the Committee had been unable to obtain the necessary information to conclude its dialogue with the State party, although there was a reference to the advisory services programme in the last sentence. In the light of Mr. Mratchkov's comment it might be advisable to add a paragraph 5 or a subparagraph (b), making paragraph 4 subparagraph (a). The new paragraph or subparagraph could codify procedures followed the previous year with regard to the Dominican Republic, where the situation had been different, since the Government had not refuted the factual information before the Committee, whereas Panama had expressly done so.

18. Mr. WIMER ZAMBRANO also agreed with Mr. Mratchkov but was not in favour of having two paragraphs instead of one. Many different situations might arise; the case of Panama involved not only a different interpretation of the facts but two different versions of them: the assertion that the information the Committee possessed did not coincide with the facts of the situation as described by the representative of Panama. Instead of being divided, elements should be added to the paragraph in order to provide for flexibility in carrying out the visit; it was not just a question of making contact with the Government but of gleaning in situ information that had been denied to the Committee.

19. Mr. TEXIER supported Mr. Wimer Zambrano's proposal: the mandate given to visiting experts should be relatively general. The mission in situ could never be rigidly fixed; basically it should cover the whole set of objectives: to propose advisory services, which made it important to have present an official from the advisory services of the Centre for Human Rights, but also to draw up a report for the Committee giving a more overall vision of the actual situation in the country. Contacts with the State were important but it was also important to have contacts with society at large. It was important to have several sources of information; in the case of the Dominican Republic and also of Panama, much information had come from non-governmental sources. Since such missions would be few in number their mandate should be as broad as possible.

20. Mr. SIMMA, agreeing with previous speakers, said that he was prepared to redraft the paragraph and would take account of their observations.

21. Mr. MUTERAHEJURU asked for clarifications about the conditions that had to be fulfilled before the Committee deemed it necessary to send representatives to visit a country. Mr. Simma might indeed have credible

sources of information, but was it the case that each time a State party denied the validity of information furnished by members of the Committee which called that State party into question, the Committee would be justified in making an on-site visit?

22. The CHAIRMAN pointed out that the procedure in question was not one that the Committee could impose on a State party. It consisted of a request to the State party to invite a representative of the Committee, and it remained entirely at the discretion of the Government whether or not to accept such a mission. The Committee had to be satisfied that there was cause for grave concern and would need to have exhausted other means of obtaining the relevant information. Those conditions had been fulfilled in the case of Panama. As Mr. Texier had said, the procedure was not one which the Committee would wish to use very often, but in his view it was an option that should be kept open.

23. Mrs. JIMENEZ BUTRAGUEÑO, congratulating Mr. Simma on the presentation of his paper, said that she did not think it advisable to stress in paragraph 4 that the Committee's visits should not be considered analogous to the appointment of a special rapporteur of the Commission on Human Rights. It would be better to refrain from making any reference to a special rapporteur.

24. Mr. MARCHAN ROMERO, agreeing with Mrs. Jimenez Butragueño, said that it would be inadvisable to make specific reference to a special rapporteur since a reader would immediately ask what was the special rapporteur's role. Analogies or dissimilarities with other human rights bodies should not be pointed out unless strictly necessary, which was not the case in paragraph 4.

25. Mr. KONATE, thanking Mr. Simma for his note, observed that it was not clear to him from paragraph 3 at what moment the Committee had to choose from among the various options that were mentioned. With regard to paragraph 4, the idea of an on-site visit should aim at two objectives, and the idea of advisory services should be given preference in order to make the mission more acceptable. If the visit, by means of its advisory services, helped a Government to overcome obstacles and proposed solutions, Governments would be much more inclined to accept the visit. On the other hand if the mission had as its sole object to make a report to the Committee, States parties might see it as a form of censure. He therefore counselled prudence and pragmatism, given that the Committee's objective was not only to collect information about the country but to proceed, together with the Government, to evaluate the situation and to make recommendations not only for the measures the Government should take but for measures involving international cooperation. To decribe the mission as one of evaluation would greatly help the Committee's action.

26. Mr. MRATCHKOV said it was apparent that there was a wide variety of sensitive circumstances that might precipitate recourse to the procedure described in paragraph 4. It might be useful for the Committee to look beyond the practices followed by the United Nations human rights monitoring bodies, such as the appointment of special rapporteurs, and look to other agencies for guidance. The International Labour Organisation, for example, had been engaged in a process of direct contacts with Governments for over 30 years, organizing country visits not so much of inspection as of technical assistance. The initial contacts were made on an unofficial basis by the

Secretariat of the Organisation, the International Labour Office, following which the visit procedure proper was formally initiated by the State concerned in the form of an official invitation from its Government to the ILO. In the case of the Committee, such preliminary background work might be accomplished through the intermediary of the Centre for Human Rights, following which the Committee might designate one or two of its members, together with a representative of the Secretariat, to visit the State concerned, principally with a view to assisting it. A decision to send a mission to a country that emanated directly from the Economic and Social Council or the Committee, would, even if it were subject to that country's acceptance, place its Government in a difficult position. Non-acceptance would imply a failure to implement the Covenant, but acceptance might be an equally sensitive issue. It would be wise to allow more time for reflection to refine the procedure to be adopted by the Committee.

27. Mr. WIMER ZAMBRANO agreed that the procedure was one that required careful handling; the lengthy discussion of the subject was proof that all were aware of its extreme sensitivity. However, in the case of Panama, its Government's reply to the Committee had been not merely unsatisfactory and inappropriate but aggressive; by denouncing the information provided by non-governmental organizations it had impugned the Committee's proceedings. In such circumstances, he failed to see how a mission to a country could be restricted to the provision of technical assistance, or how fruitful and productive discussion could be achieved against a background involving the reported destruction of a community. He joined Mr. Texier in considering that while the Committee had to be very careful with regard to the procedures employed, the mission representing the Committee could not merely be one of dialogue with and support for a Government but would have to determine the real facts behind disquieting reports received by the Committee.

28. The CHAIRMAN said it would be more appropriate for the Committee to defer the discussion of specific cases, such as that of Panama, until the general principle had been decided. While appreciating the comments calling attention to the need for the Committee to provide technical assistance and advisory services, action incumbent on it under articles 22 and 23 of the Covenant, he considered, like Mr. Wimer Zambrano and Mr. Texier, that the Committee ought in addition to have the option of a flexible and appropriate response to circumstances. The Committee would further consider the matter at a later meeting, when a revised version of Mr. Simma's note, taking the present discussion into account, would be available.

ORGANIZATION OF WORK (agenda item 2) (continued)

29. The CHAIRMAN said that in the context of the work still to be done, the Committee would have to consider the case of the New Zealand Government which had indicated its inability to present its report to the present session a mere few days before its commencement, and which having initially indicated a willingness to come before the Committee in May 1993, currently preferred the November 1993 session for the presentation of its report. He suggested that when the Committee considered the timetable for presentation of reports, the report of New Zealand should be rescheduled for consideration at the May 1993 session, on the understanding that if the New Zealand Government was again unable to attend, a formal decision should be taken at that session to

reschedule consideration of the report in November 1993. On the principle that the Committee had to take a firm stand and indicate to Governments that regular deferrals were not an easy option, the Committee would then have the opportunity to apply its decision that on the third occasion when a report was scheduled for consideration it would proceed whether or not the State party was able to be present.

30. It was so decided.

31. The CHAIRMAN said that the Committee had already decided in principle that the next day of general discussion would focus on the rights of the elderly and the ageing as they related to the Covenant. He proposed that the Committee should adopt that decision formally. Furthermore, it would appear to be time for the Committee to take the planning of its days of general discussion more seriously in future. He therefore proposed that, in view of her enthusiasm for the subject, the Committee should invite Mrs. Jiménez Butragueño to undertake the planning of the next day. It would be understood that that would involve consultation with the Secretariat and access to its advice and assistance in contacting all relevant United Nations agencies both in Geneva and elsewhere for contributions in the form of sending representatives, identifying particular topics or providing already existing or specially written documentation. Individual experts and groups might also be asked to attend or to submit short written comments in advance. Arrangements would also be made to circulate the relevant documents to members of the Committee in the relevant languages.

32. It was so decided.

The meeting rose at 12 noon.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 December 1992, at 3 p.m.

Chairman: Mr. ALSTON

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Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Hungary

Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Organization of work (continued)

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GE.92-18855 (E)

The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS (agenda item 5) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Hungary (E/1990/7/Add.10, E/C.12/1992/WP.12) (continued)

1. The CHAIRMAN asked Committee members for general comments on the draft concluding observations on the report submitted by Hungary (E/C.12/1992/WP.12), which Mr. Neneman had prepared and had submitted at the 19th meeting.

2. Mr. SIMMA said the draft made plain that the Committee needed to clarify the procedure to be followed in drafting concluding observations in order to ensure that they were presented in a standard manner irrespective of the country concerned.

3. He felt there was some misunderstanding in the Committee as to the purpose of the reports submitted by States parties. Such reports were not intended to satisfy the curiosity of Committee members but to advance the realization of economic, social and cultural rights in the countries concerned, as indeed the Committee had noted in its General Observation No. 1 (1989) (E/1989/22, annex IV). In that respect, the Committee acted as a catalyst. He would submit some suggestions to the Committee at its next session on the preparation of general observations.

4. The CHAIRMAN said that a clear distinction had to be made between consideration of the draft general observations on the report submitted by Hungary and improvement of the Committee's methods of work.

5. The Committee's concluding observations would in future probably be very useful to all interested observers as sources of information on the situation relating to economic, social and cultural rights in the States parties to the Covenant. Up to the present, however, that had not been the spirit in which the Committee had drawn up its concluding observations. The Committee would therefore examine with interest any proposals Mr. Simma might submit to it in that respect.

6. He invited the Committee to move on to the consideration of document E/C.12/1992/WP.12.

7. Mr. SIMMA said that during the last stage of consideration of the report submitted by Hungary, in other words when the Hungarian delegation was replying to the points raised verbally by Committee members, the Hungarian representative had given a very detailed and satisfactory reply to a question he himself had asked on the manner in which international treaties had been incorporated into domestic law, and what had been done to ensure that domestic law was compatible with those treaties. The second paragraph of section 1 could not therefore be retained without a further comment that the question had subsequently been answered to the Committee's complete satisfaction. It would thus be preferable to delete the paragraph.

8. The CHAIRMAN suggested that the paragraph in question should be deleted and the status of human rights instruments added to the list of points which had received a very satisfactory response.

9. Mr. WIMER ZAMBRANO said that both in general and in its concluding observations the Committee should take great care to distinguish between its appreciation of the report a country had submitted and the human rights situation prevailing in that country. The two points were completely unrelated. A country might well submit an excellent report and at the same time have a calamitous human rights record. All permutations were possible.

10. Turning to document E/C.12/1992/WP.12, he considered that the second paragraph of section 2 should be deleted. Rather than listing the issues on which the Committee had been satisfied with the response (a list that could not be exhaustive, as evidenced by the use of the word "etc."), the Committee should say that it considered the report satisfactory except with regard to named points.

11. That example showed how important the format of the general observations was and the need for a standard layout.

12. Mr. SIMMA said he took Mr. Wimer Zambrano's point but was afraid that deletion of the second paragraph in section 2 would affect the balance of the document. As long as section 1 listed all the points which the Committee had considered had not received a sufficient response, the list appearing in the second paragraph of section 2 could not be deleted without amending section 1 in some wa

13. The CHAIRMAN said it seemed to him that Committee members would like the concluding observations under consideration to follow a new method of formulation, which had yet to be decided. It was very difficult to separate points of method from points of detail and the discussion was threatening to become bogged down. He therefore suggested, if it was acceptable to Committee members, and in particular to Mr. Neneman, the author of the working paper, that new draft concluding observations should be submitted to the Committee at its next meeting.

14. Mr. NENEMAN said he had no objection to the Chairman's suggestion. In preparing the draft concluding observations, he had endeavoured to follow established practice. In order to meet the wishes of Mr. Wimer Zambrano and Mr. Simma, he would be willing to delete the word "etc." at the end of the second paragraph of section 2, and to add to the list therein the incorporation of international treaties into domestic law.

15. Mr. MARCHAN ROMERO said that the third and fourth sentences of section 1 ("Additional information ... backed by statistical data") was completely at odds with the first paragraph of section 2 ("The supplementary information ... to the points raised verbally"), since each passage referred to a different stage of consideration of the Hungarian report. It was thus very important that the different stages should be clearly differentiated.

16. The CHAIRMAN said that if there was no objection, he would take it that the Committee agreed to defer adoption of its concluding observations on the

report submitted by Hungary until its next meeting, when a revised version of the draft concluding observations would be before it.

17. It was so decided.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

18. The CHAIRMAN said that he had drawn up two draft declarations for inclusion in the annual report. Since they had not yet been translated into all the Committee languages, he asked Committee members whether they would prefer to defer consideration of the matter to the next meeting.

19. Mr. MARCHAN ROMERO suggested that the Chairman should give a first reading of the texts concerned, which the Committee could then consider in more detail at its next meeting.

Problems caused by last-minute deferrals of the presentation of reports

20. The CHAIRMAN read out the first document, which referred to the difficulties caused by last-minute notifications by States of their inability to present a report to the Committee as scheduled. The work of the present session of the Committee had been considerably hampered by four last-minute deferrals, for which no reason had been given. He emphasized the need to allow the Committee, in certain cases, to proceed with the examination of a report even when the State party had requested deferral. It would be too easy for a State that knew the Committee would be highly critical of recent incidents or situations on its territory to find an excuse to request deferral of consideration of the report.

21. Mr. SIMMA wholeheartedly endorsed the text read out by the Chairman, in particular its last sentence. There was one circumstance in which the Committee could decide to consider the report of a State party even when it had requested deferral, or before two to three years had elapsed since submission of the previous report, namely, when a non-governmental organization informed the Committee with supporting evidence that serious abuses of economic, social or cultural rights had taken place or were about to take place in a given country (for example, mass evictions in violation of the right to housing).

Response to very significantly overdue and non-submitted reports

22. The CHAIRMAN read out the text he had prepared on the subject.

ORGANIZATION OF WORK (agenda item 2) (continued)

23. The CHAIRMAN said that he would submit a draft revised text on the Committee's sources of information, observing that the substance of the text had already been considered in detail by Committee members.

24. As for the preparation of an optional protocol, he proposed to submit, on behalf of the Committee, a document that would combine the working paper from the previous session (E/C.12/1991/WP.2) and that from the present one

(E/C.12/1992/WP.9) and also reflect the various points raised during the Committee's discussion of the matter. He noted that Committee members would have little time to consider the text in detail and suggested that they might consider approving it as a whole. Alternatively, the two documents could be combined and submitted in his own name with a note that the Committee had considered the matter and approved the idea of an optional protocol, referring the reader to the summary record of the meeting at which the matter had been discussed.

25. Mr. KONATE asked that Committee members should be allowed a period of reflection before choosing between the alternatives suggested.

26. The CHAIRMAN said that he was not asking the Committee to make a substantive decision but simply wished to know whether he should prepare a document combining last year's and the present year's working papers and reflecting the Committee's discussion of the matter.

27. Mrs. JIMENEZ BUTRAGUEÑO said she considered the first course suggested by the Chairman to be in conformity with the Committee's methods of work and would enable it to advance more quickly.

28. Mr. MARCHAN ROMERO said he fully endorsed what Mrs. Jimenez Butragueño had said.

29. Mr. TEXIER said he too endorsed the first suggestion. However, he asked whether the document would be given a first informal examination and then considered again when the report was to be adopted, or whether it would not be considered until adoption of the report, which would perhaps allow the text to be available in the various languages.

30. The CHAIRMAN said that if the Committee agreed, he would submit a consolidated document on Thursday that would set out the various options and give the general observations made during the discussion of the matter. It would not, however, provide a set of definite conclusions, since Committee members had not always been unanimous on certain points such as the inter-State complaints system. The document would be available only in English as the translation services would not have time to translate it. Furthermore, it would be mentioned in the report that the Committee had considered the issue at length during the session and that the various points of view expressed would be found in the summary record of the meeting at which the matter had been discussed, that the Committee had endorsed the idea of an optional protocol, which it was submitting to the Economic and Social Council for consideration. He reminded Committee members that they had agreed that it was not for them to adopt such a proposal and that all that was required was to draw the Economic and Social Council's attention to the matter.

31. Mr. SIMMA asked whether that meant that the issue of the optional protocol would no longer be discussed by the Committee.

32. The CHAIRMAN said there was nothing to prevent the Committee from returning to the issue and keeping the Economic and Social Council informed of the progress of its work in the field. He hoped that the proposal would be welcomed with interest and that States would ask the Committee to continue its

work, or might even ask a working group to be set up under the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

33. Mrs. JIMENEZ BUTRAGUEÑO said she would like the Committee, in its statement to the World Conference on Human Rights, to draw attention to the fact that it had approved the proposal for an optional protocol to the Covenant.

34. The CHAIRMAN recalled than in the draft statement it had adopted (E/C.12/1992/WP.13), the Committee had clearly indicated its view that all conditions were in place for adoption of a procedure for considering communications made under an optional protocol to the Covenant. Furthermore, a footnote stated that the proposal had been considered in detail in the paper annexed to the Committee's report on its seventh session.

35. Mr. TEXIER recalled that following consideration of the draft statement to be submitted to the World Conference on Human Rights, the Committee had decided to expand the paragraph relating to the proposal for an optional protocol to include an outline of the proposal. He felt, like Mr. Simma, that the Committee should continue to discuss the issue. In his view, an attempt should be made to persuade the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the merit of the proposal.

36. The CHAIRMAN read out the four sentences the Committee had agreed to add to the paragraph relating to the proposal for an optional protocol in the Draft Statement for Submission to the World Conference on Human Rights (E/C.12/1992/WP.13, revised version contained in E/C.12/1992/CRP.2/Add.1), which were worded as follows: "Such a procedure would be entirely optional and would permit communications to be submitted by individuals or groups alleging violations of the rights recognized in the Covenant. It might also include an optional procedure for the consideration of inter-State complaints. Various procedural safeguards designed to guard against abuse of the procedure would be adopted. They would be similar in nature to those applying under the first Optional Protocol to the Covenant on Civil and Political Rights".

37. Mr. SIMMA proposed that in the first sentence the words "would be entirely optional" should be replaced by "would not be obligatory". The word "optional" was a technical term that should only be used in very specific circumstances.

38. The CHAIRMAN said he saw no real difference between the two concepts but would accept Mr. Simma's proposal. He suggested that the working paper on the proposal for an optional protocol (E/C.12/1992/WP.9) should be annexed to the Statement for Submission to the World Conference.

39. Mrs. BONOAN-DANDAN endorsed that proposal in view of the importance the Committee attached to the proposed protocol.

40. The CHAIRMAN said that, in the absence of any objection, he would take it that the Committee decided to annex the working paper on the proposed optional protocol to the Statement for submission to the World Conference.

41. It was so decided.

42. The CHAIRMAN drew the Committee's attention to a point relating to organization of work that he would like to see on the agenda of the next session of the Committee. He noted that a large part of the resources of the Centre for Human Rights was spent in preparing for the Committee's report summaries of the discussions on the reports submitted by States parties. That was a long-standing procedure within the United Nations, but he joined Mr. Simma in wondering whether it was really necessary. The questions from experts and the replies from the representatives of States parties were summarized, revised, edited and finally summarized once more by the staff of the Centre for Human Rights. The outcome of those various operations was that the summaries of the consideration of reports submitted by States parties were a far from accurate reflection of the actual exchanges between experts and State representatives; any liveliness in the discussion was frequently dissipated in United Nations jargon.

43. Furthermore, the only document actually accessible to the public was the Committee's annual report; the summary records of the meetings were, on the other hand, extremely difficult to get hold of. To overcome that problem, the Committee might for instance take more pains over the concluding observations it adopted and perhaps include summaries of those observations in its report. Interested persons who wished further details would be able to consult the summary records. In that context, the Committee might ask for the summary records to be collected together and made more accessible to the public. It should not be forgotten that documents emanating from the Committee were expected to influence Governments and the general public. He recalled further that the Committee had a long-standing request for the Centre for Human Rights to prepare a document to present the Committee's work to the public.

44. To sum up, he considered that those issues should receive the Committee's attention and proposed to submit a working paper on the subject to the next session of the Committee.

45. Mr. TEXIER said he fully endorsed the Chairman's proposal.

46. Mrs. JIMENEZ BUTRAGUEÑO considered, moreover, that the Committee ought to improve its methods of work. For example, it should improve cooperation and communication among its experts and take advantage of the specialized knowledge each could offer.

The meeting rose at 5.05 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 December 1992, at 10 a.m.

Chairman: Mr. ALSTON

CONTENTS

Report of the Committee to the Economic and Social Council

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GE.92-18869 (E)

The meeting was called to order at 10.35 a.m.

REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 10) E/C.12/1992/CRP.1 and Add.1-4; E/C.12/1992/WP.14 and 19).

E/C.12/1992/CRP.1

1. The CHAIRMAN said that he would not go through the document paragraph by paragraph. Amendments would be made to paragraph 15 concerning two other reports by New Zealand. An asterisk would be placed next to each of those reports with a statement to the effect that they had been rescheduled for consideration at the ninth session; in that regard, the Committee would draw attention to its principle relating to reports, consideration of which was overdue.

2. Mr. SIMMA observed that in paragraph 15 mention was made of Germany under the second heading which read "concerning articles 1 to 15" whereas it belonged under the third heading concerning articles 13 to 15.

3. The CHAIRMAN explained that a number of minor corrections would be made to the document: the heading mentioned by Mr. Simma should read "articles 13 to 15" and the following heading should read "articles 1 to 15" because those reports were comprehensive. In addition, Mexico would be deleted from the list of countries in the paragraph and four countries, Belgium, Kenya, Lebanon and Surinam, would be included for consideration in the absence of any report.

4. Mr. NENEMAN said that a change was also needed in paragraph 4, which stated that Mr. Alvarez Vita had attended part of the session.

5. Mrs. JIMENEZ BUTRAGUEÑO pointed out that in the Spanish text the first paragraph stated that only 18 States had ratified or acceded to the Covenant as at 11 December 1992.

6. The CHAIRMAN said that the Spanish text should read 118, as did the English text.

7. Mr. SPARSIS called attention to paragraph 5 of the document which read "The following specialized agencies were represented by observers: ILO, UNESCO and WHO". In fact only WHO had been represented.

8. Ms. PINET (World Health Organization) said that it was important that the specialized agencies should have more time to devote to cooperation with United Nations human rights bodies.

9. The CHAIRMAN agreed; the problem was how to bring that about. The Committee could decide in future to specify the number of meetings attended by each agency.

10. Mrs. JIMENEZ BUTRAGUEÑO said that since WHO was the only specialized agency that had really been represented, it should at least be listed first and not last in the report.

11. The CHAIRMAN said that it would look strange not to use alphabetical order without offering any explanation of the reason for doing so. Alternatively, a sentence could be drafted in the report saying that, with the exception of WHO, the attendance of representatives of specialized agencies was sporadic at best, and that the Committee regretted that situation because it considered the involvement of the specialized agencies in its work to be of major importance. That observation would not appear in document E/C.12/1992/CRP.1 but later on, in the review of the Committee's work. He would submit a draft comment at the appropriate time.

12. Document E/C.12/1992/CRP.1, as amended, was adopted.

E/C.12/1992/CRP.1/Add.1

Paragraphs 1-7

13. Paragraphs 1-7 were adopted.

Paragraph 8

14. Mrs. JIMENEZ BUTRAGUEÑO said that since she had a special interest in the elderly she felt that the word corresponding to "adults" in the Spanish text was not sufficient and that the Spanish text should contain a reference to ancianos or old people in particular.

15. The CHAIRMAN suggested the text formulation "adults, including the elderly".

16. Mrs. JIMENEZ BUTRAGUEÑO and Mr. MRATCHKOV endorsed the Chairman's suggestion.

17. Paragraph 8, as amended, was adopted.

Paragraph 9

18. Mr. SPARSIS pointed out that for the sake of consistency the word "establishments" in the second line of paragraph 9 should be replaced by the word "institutions".

19. Mr. KOUZNETSOV said that the word in the Russian text corresponding to the word "maintenance" in the second sentence in paragraph 9 was not very satisfactory and that the translation would have to be made more specific. His remarks referred only to the Russian text.

20. Paragraph 9, as amended, was adopted.

Paragraph 10

21. Mr. SIMMA said that when drafting the concluding observations on Belarus he had included a reference to the introduction of fees for tenth and eleventh grade education. He suggested that the statement in question should be included in the paragraph.

22. Mr. KOUZNETSOV recalled that the representative of Belarus had said that the Government intended to introduce fees for higher study and that it was not an accomplished fact.

23. Mr. SIMMA said that Mr. Kouznetsov was correct. The relevant passage in the concluding observations read "the Committee notes with particular concern the intention of the Government of Belarus to introduce fees for education in the tenth and eleventh grades". He suggested the insertion after the words "expenditure on education" of the sentence "They therefore had the intention to introduce fees for education in the tenth and eleventh grades.".

24. Paragraph 10, as amended, was adopted.

Paragraph 11

25. Mr. SPARSIS proposed that in the penultimate line of the paragraph the term "equivalent employee" should be amended to read "comparable employee".

26. Paragraph 11, as amended, was adopted.

Paragraphs 12-18

27. Paragraphs 12-18 were adopted.

28. Document E/C.12/1992/CRP.1/Add.1, as amended, was adopted.

29. The CHAIRMAN noted that the text of the concluding observations on Belarus which had been adopted at an earlier meeting by the Committee would be included in the final report.

E/C.12/1992/CRP.1/Add.2

Paragraph 1

30. The CHAIRMAN said that a reference to 4 December 1992 would be added to paragraph 1.

31. Paragraph 1, as amended, was adopted.

Paragraphs 2-4

32. Paragraphs 2-4 were adopted.

Paragraph 5

33. Mr. SIMMA pointed out that the last sentence of the paragraph stated that the Polish Charter of Rights and Freedoms provided that all citizens "could seize any of the international human rights bodies established under treaties", whereas many human rights bodies could not be seized by individuals.

34. The CHAIRMAN suggested that the phrase should be amended to read: "could, where appropriate, submit communications to relevant human rights bodies".

35. Paragraph 5, as amended, was adopted.

Paragraphs 6-8

36. Paragraphs 6-8 were adopted.

Paragraph 9

37. Mrs. BONOAN-DANDAN pointed out that since the Polish delegation had included one woman, who had given some of the replies, in paragraph 9 and elsewhere, as appropriate, the pronoun "his" should be deleted.

38. Mr. SPARSIS asked whether there was a difference between the word "bill" used in paragraph 9 and the word "act" used in paragraph 11.

39. The CHAIRMAN said that once a bill was adopted it became an act; therefore the word "bill" in the second line of paragraph 9 should be amended to read "act".

40. Paragraph 9, as amended, was adopted.

Paragraphs 10-17

41. Paragraphs 10-17 were adopted.

Paragraph 18

42. Mrs. BONOAN-DANDAN said that, to make the ultimate destination of participants in the brain drain clear, the word "there" should be added after "stay".

43. Paragraph 18, as amended, was adopted.

44. The CHAIRMAN noted that the text of the concluding observations had been adopted by the Committee at an earlier meeting and would be included in the final report.

45. Document E/C.12/1992/CRP.1/Add.2, as amended, was adopted.

E/C.12/1992/CRP.1/Add.3

Paragraphs 1-2

46. Paragraphs 1-2 were adopted.

Paragraph 3

47. Mr. SPARSIS said that, to be consistent with the wording in earlier parts of the report, the word "establishment" should be replaced by "institution",

an editorial correction that ought also to be applied throughout the report in references to education.

48. It was so decided.

49. Paragraph 3, as amended, was adopted.

Paragraphs 4-9

50. Paragraphs 4-9 were adopted.

Paragraph 10

51. Mrs. JIMENEZ BUTRAGUEÑO said that although the word "gender" was correct English usage it should be rendered by sexo in Spanish.

52. Paragraph 10, as amended, was adopted.

Paragraphs 11-16

53. Paragraphs 1-16, as amended, were adopted.

Paragraph 17

54. Mr. SPARSIS suggested that the words "other forms of" should be deleted from the fifth sentence.

55. Paragraph 17, as amended, was adopted.

Paragraph 18

56. Mr. SIMMA proposed that the words "countries other than those of the European Community" in the last sentence should be replaced by "non-European countries".

57. Paragraph 18, as amended, was adopted.

Paragraphs 19-23

58. Paragraphs 19-23 were adopted.

Paragraphs 24-28

59. The CHAIRMAN noted that paragraphs 24-28 contained the concluding observations of the Committee, the text of which had been adopted at an earlier meeting.

60. Mrs. JIMENEZ BUTRAGUEÑO proposed that the words "did not meet the guidelines" should be replaced by "were at variance with the guidelines".

61. It was so agreed.

62. Document E/C.12/1992/CRP.1/Add.3, as amended, was adopted.

E/C.12/1992/CRP.1/Add.4

Paragraphs 1-3

63. Paragraphs 1-3 were adopted.

Paragraph 4

64. Mr. FOFANA said that in the French text tribunal constitutionnel should be replaced by conseil constitutionnel, since that was the term for the institution generally used in French-speaking countries.

65. Mrs. JIMENEZ BUTRAGUEÑO said that, as in other Spanish-speaking countries, the term in use in her country for the body issuing rulings on the conformity of laws with the Constitution was the Tribunal constitucional. The text therefore ought not to be amended in Spanish.

66. Mr. WIMER ZAMBRANO said that since "council" was the expression used to describe the institution concerned in most countries throughout the world it would be preferable.

67. Mr. MRATCHKOV said the problem was not one of language but of function. A council operated in a different manner to a court or tribunal. In the French text, either cours or tribunal would be acceptable; it was important, however, that whichever term was used should be consistent with the general usage elsewhere in the Committee's texts.

68. The CHAIRMAN said that the term appearing in the text ought to refer to the institution in place in the country concerned. Since the Hungarian delegation had used the English term "Constitutional Court" he suggested that it should remain as such in the English text with appropriate renderings in the other languages.

69. Mr. MUTERAHEJURU endorsed that opinion.

70. Paragraph 4, as amended, was adopted.

Paragraphs 5-12

70. Paragraphs 5-12 were adopted.

Paragraph 13

72. Mr. SIMMA proposed that the word "additional" should be deleted from the fifth sentence.

73. The CHAIRMAN, observing that the word "natural" implied that disadvantages were the unavoidable lot of minorities, suggested that the whole phrase should be amended to read "to compensate for disadvantages which usually flow from being a member of a minority group by advantages in terms of".

74. Paragraph 13, as amended, was adopted.

Paragraph 14

75. Paragraph 14 was adopted.

Paragraph 15

76. Mrs. JIMENEZ BUTRAGUEÑO proposed that the final phrase should be amended to read "to facilitate access to and participation in culture by elderly persons".

77. Paragraph 15, as amended, was adopted.

Paragraph 16

78. Paragraph 16 was adopted.

Paragraph 17

79. Mr. SPARSIS said he was unclear as to the exact meaning of the term "risk participation".

80. The CHAIRMAN said he assumed it meant that the researchers themselves shared a part of the risk involved in the project and would thus have a share in the profits.

81. Mrs. JIMENEZ BUTRAGUEÑO proposed the term be replaced by "joint participation" which would imply both risks and profits.

82. Mrs. BONOAN-DANDAN said that possible replacement terms might be "counterpart funding" or "contracts with institutional participation".

83. Mr. KONATE said his impression from exchanges with the Hungarian representative was that the purpose of the new research contracts was to ensure the sharing of any profits that might result. It was important to express the precise meaning intended by the Hungarian delegation.

84. Mr. SIMMA, endorsing that last opinion, said that the report should use the actual words of the Hungarian representative as recorded in the summary record of the meeting concerned.

85. The CHAIRMAN said that since the relevant record (E/C.12/1992/SR.9, para. 7) he made reference only to risk participation without any mention of profits, he would suggest that the term "risk participation" should be retained but placed in inverted commas.

86. It was so decided.

87. Mr. SPARSIS said the penultimate sentence was unclear.

88. The CHAIRMAN said it would be within the Committee's competence to amend the text to clarify the meaning of the Hungarian representative's statement.

89. Mr. NENEMAN said that would best be achieved by amending the last part of the sentence to read simply "the brain drain would involve not only disadvantages but also advantages for Hungary".

90. Paragraph 17, as amended, was adopted.

91. Document E/C.12/1992/CRP.1/Add.4, as amended, was adopted.

E/C.12/1992/WP.19

92. The CHAIRMAN noted that the headings used for the five sections of the working paper followed the format employed by the Human Rights Committee, the Committee on the Rights of the Child and, to a large degree, the Committee on the Elimination of Racial Discrimination.

93. Mr. MARCHAN ROMERO said that it was the first time that he had seen that format, and he was in favour of adopting it. He noted that it had not been used in the case of Norway. The Committee should be consistent in the layout of its reports.

94. Mr. SIMMA said that as the format used for Hungary was different, the Committee should submit the concluding observations without the headings, while retaining the substance, so that the difference would not be so striking. It could then adopt the format with the headings for 1993.

95. The CHAIRMAN agreed and thought that that would respond to Mr. Marchan Romero's concern.

Paragraph 1

96. Mrs. JIMENEZ BUTRAGUEÑO said that she considered that the Committee should not express its appreciation for the written report. Instead, it should be more specific in expressing its appreciation for a particular response.

97. The CHAIRMAN said that that sentence had appeared for three reasons: firstly, it was the standard phrase used by other committees; secondly, the Committee would be considering situations in which no report had been submitted at all; and thirdly, the Committee was expressing appreciation for the written report, not just taking note of the fact that it had been presented. There would be other occasions in the future when the Committee would criticize a report.

98. Paragraph 1 was adopted.

Paragraph 2

99. Mr. SIMMA said that the working paper had been prepared on the basis of the French text, and that the translation of the words "Ecole supérieure d'administration" in paragraph 2 had subsequently been made available: "National School of Administration".

100. Mr. SPARSIS wondered whether the words "the special education programmes put in place" should not be replaced by "the special education programmes implemented".

101. Mr. SIMMA said that there had been a reason for saying "put in place": it was not yet known how such programmes worked in practice.

102. Paragraph 2 was adopted.

Paragraphs 3-4

103. Paragraphs 3-4 were adopted.

Paragraph 5

104. Mrs. BONOAN-DANDAN said that paragraph 5 had no heading, and as it dealt with principal subjects of concern, i.e. the subject of paragraph 4, it should be included in that paragraph, and the reference to paragraph 5 should be deleted.

105. Mr. MARCHAN ROMERO objected to the reference to educational rights, which introduced a new category. Clearly, educational rights were included in cultural rights. He therefore proposed deleting the words "educational and".

106. The CHAIRMAN said that that was a difficult issue. It was often assumed that the Covenant could be divided into a section on economic rights (arts. 6 to 9), social rights (arts. 10 to 12) and cultural rights (arts. 13 to 15). Such a division was questionable. In his view, education was very much an economic right in the sense that it was costly to implement and it was vital to the economic well-being of the individual. It was a social right in that one could not participate fully in society without it. The reason for using the term "education" was simply to refer to articles 13 and 14 of the Covenant. He noted that UNESCO also spoke of educational rights.

107. Mr. SIMMA proposed the following wording for the phrase in question: "the need to ensure that special attention is paid to the right to education and culture of the most vulnerable and disadvantaged members of Hungarian society". That would take Mr. Marchan Romero's comment into account.

108. Paragraph 5, as amended, was adopted.

109. Document E/C.12/1992/WP.19, as amended was adopted.

E/C.12/1992/WP.14

110. Mr. NENEMAN said that he had doubts about the logical format of the entire text. In paragraph 4, it was stated that the Committee's main concern was the right to housing, a rather sweeping statement. Clearly, the Committee also focused on other matters. While that would be easy to correct, the overall imbalance of the working paper created a more serious problem: the text had only eight paragraphs, yet a total of five dealt with housing.

111. The CHAIRMAN said that it was for the Committee to decide what course it wished to follow, but in his opinion the text was seeking to reflect the fact that the great majority of questions put had related to housing. He accepted Mr. Nenemans's point that the first sentence in paragraph 4 needed to be redrafted. It might read "In the consideration of the report the Committee devoted particular attention to the right to housing".

112. Mr. KONATE said that he had the same misgivings as Mr. Neneman. The Committee should move paragraphs 5 to 8 from its concluding observations to the part reflecting the general discussion. That would be both more logical and more in conformity with the Committee's usual procedure.

113. The CHAIRMAN noted that in the case of Italy's report there had been a more sustained focus than usual on one particular issue, which had enabled the Committee to enter into greater detail and to draw conclusions.

114. Mr. SIMMA said that he was in favour of retaining the text as it stood. Paragraphs 5 to 8 should be kept where they were but should be given a proper introduction. A phrase such as "The Committee notes with concern that" could be used to provide a compromise solution. So far the Committee's shortcoming in dealing with concluding observations had been the lack of specific remarks regarding points which the Committee had not found satisfactory. The Committee needed to move away from polite comments like "It is gratified by the high level of the delegation", which should be omitted in future. In the case under consideration, since the debate with the delegation of Italy, especially the latter part of it, had focused on housing, that should be reflected but in the form of a concern expressed by the Committee.

115. Mr. TEXIER said that, as the author of the original text, he quite understood Mr. Konate's point of view. However, if the discussion with the State party had mainly related to a topic of particular concern to the Committee, that point should be specifically stressed. He had accordingly mentioned a number of concrete points in the concluding observations. He ought, perhaps, to have combined the paragraphs in question into a single paragraph.

116. The CHAIRMAN observed that what Mr. Texier had stated was in line with what all the other treaty bodies were now trying to do. Mr. Konate was validly concerned about the fact that the Committee was changing its rules as it went along. The Committee was in fact moving inevitably away from vagueness towards greater specificity. That change would also be helpful to States parties, which would undoubtedly understand that the Committee's rules were in a transitional stage and that meanwhile the vulnerable and disadvantaged would be protected.

117. Mr. NENEMAN said that the case under consideration was different from all the others because Italy's report was comprehensive and covered all articles of the Covenant. More comprehensive concluding observations were therefore needed. In the text before the Committee the observations on housing were very well put. The parts of comprehensive reports dealing with such issues as education and culture were also important. For example, the defects in the system of secondary education in Italy were probably as important as the

housing problems, but in the case of a comprehensive report it might not be possible to cover all issues in a short text.

118. The CHAIRMAN suggested that the Committee might wish to combine the paragraphs in question into a single paragraph preceded by the words "The Committee notes with concern ... ".

119. Mr. KONATE stressed that paragraphs 5 to 8 reflected the discussion between the Committee and the delegation of Italy and should be placed in the general descriptive part and not in the concluding observations. Either a single paragraph reflecting the Committee's concerns could be placed after paragraph 4 or all the paragraphs in question could be moved to the general descriptive part.

120. The CHAIRMAN said that he quite understood Mr. Konate's concern but wondered whether the solution would not be to combine the paragraphs and introduce the new combined paragraph with the words "the Committee wishes to draw the attention of the State party to a number of specific concerns resulting from the dialogue with its representatives. These concerns included the fact that ...," followed by the existing text largely as it stood. That compromise would meet both the desire to reflect the specific issues in the concluding observations and the need not to list them as if they were facts.

121. Mr. KONATE noted that it was the first time that the Committee was adopting such a procedure. It could presumably be followed in respect of all other reports. However, in order not to hold up the proceedings, he would not insist on maintaining his position.

122. The CHAIRMAN thanked Mr. Konate and inquired whether the Committee accepted the compromise solution which he himself had suggested.

123. It was so agreed.

Paragraph 1

124. Paragraph 1 was adopted.

Paragraph 2

125. Mr. KONATE said that he would like to know Mr. Texier's opinion concerning the use of the word "rapide" in the first sentence of the original French text. "Bref" or "succinct" would perhaps be better.

126. Mr. TEXIER replied that he had no objection to the use of "bref"

127. Mrs. BONOAN-DANDAN observed that "brief" was different from "sketchy".

128. The CHAIRMAN said that the use of the word "sketchy" in the English text was fine, so the English text required no change.

129. Mr. SIMMA noted that in the last sentence it was stated that the report "does not even mention article 11". It would be better to say that the report "does not cover at all the rights contained in article 11".

130. Paragraph 2, as amended, was adopted.

Paragraph 3

131. Mr. SPARSIS recalled that he had stated that privatization entailed risks not only for wage-earners but also for the standard of living, social security, education, housing and health and that he had been supported by Mr. Wimer Zambrano and others in that view. Consequently, the paragraph as formulated at present was not sufficient to reflect the Committee's concern that privatization might adversely affect all human rights set forth in the Covenant.

132. The CHAIRMAN suggested that the words "and all other members of society" should be added after the word "wage-earners".

133. Mr. SPARSIS said that it was important for the Committee to indicate clearly that privatization was a potential threat to all human rights, some of which he had already enumerated.

134. Mr. TEXIER suggested a broader formulation reading "However, the policy of privatization and the abolition of the so-called 'sliding scale' system entail certain risks for the social protection of large sectors of the population" would meet that point.

135. Mrs. JIMENEZ BUTRAGUEÑO suggested that the paragraph should begin with the words "The Committee notes the substantial efforts being made by the Italian Government ...".

136. Mr. MRATCHKOV suggested that it would be better to divide paragraph 3 into two paragraphs, placing the first three sentences in the first of them and making a new separate paragraph for the last sentence, thereby enhancing its importance.

137. Paragraph 3, as amended, was adopted.

Paragraph 4

138. The CHAIRMAN recalled the amendment which he had proposed in response to Mr. Neneman's general comment on the concluding observations. If there was no objection, he would take it that his amendment was acceptable.

139. It was so agreed.

140. Mrs. JIMENEZ BUTRAGUEÑO said that she would prefer to use the word "inquilino" instead of "arrendatario" in the Spanish text.

141. Paragraph 4, as amended, was adopted.

Paragraph 5

142. Mr. SIMMA asked what was meant by "their increase" in the last line.

143. The CHAIRMAN suggested that the word "their" be replaced by the word "rental", which was what was meant.

144. Paragraph 5, as amended, was adopted.

Paragraphs 6-8

145. Paragraphs 6-8 were adopted.

Paragraph 9

146. Mr. MARCHAN ROMERO said that he would prefer to omit the reference to the importance which the Committee attached to the right to housing, since it was self-evident. It would be more appropriate for the Committee to reiterate the importance which it attached to the right to housing.

147. Mr. WIMER ZAMBRANO agreed with the previous speaker.

148. Mr. MRATCHKOV also agreed with Mr. Marchan Romero. He suggested that the words "The Committee wishes to point out the importance which the Covenant attaches to the right to housing and recommends that ..." should be used.

149. Paragraph 9, as amended, was adopted.

150. Document E/C.12/1992/WP.14, as amended, was adopted.

The meeting rose at 12.55 p.m.